IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.V.K.BALI
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 16TH NOVEMBER 2006 / 25TH KARTHIKA 1928

WA.No. 2392 of 2005()

AGAINST THE JUDGEMENT IN OP.23834/2001 Dated 05/08/2004
.....

APPELLANTS: RESPONDENTS NOS. 1 AND 2.
---

1. KERALA KHADI AND VILLAGE INDUSTRIES BOARD, VANCHIYOOR, REP. BY ITS SECRETARY, THIRUVANANTHAPURAM.

2. THE PROJECT OFFICER, DISTRICT OFFICE, KERALA KHADI AND VILLAGE INDUSTRIES, ALAPPUZHA.

BY ADV. SRI.V.V.JOSHI, SC, KHADI BOARD

RESPONDENTS: PETITIONERS.
---

1. GEORGE KUNNEKKAL, KUNNEKKAL, KUTTAMPEROOR P.O. MANNAR, ALAPPUZHA.

2. ACHAMMA GEORGE, KUNNEKKAL, DO.

3. P.J.VARKEY, DO.

4. V.GEORGE, MANAMPURATH THOPPIL, KUTTAMPEROOR P.O. MANNAR, ALAPPUZHA.

BY ADV. SRI.GEORGE VARGHESE(PERUMPALLIKUTTIYIL)

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 16/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.K. BALI, C.J. & S.SIRI JAGAN, J.

W.A.No.2392 of 2005

Dated, this the 16th day of November, 2006

JUDGMENT

V.K.Bali,C.J.(Oral)

The appellants Kerala Khadi and Village Industries Board and another were arrayed as respondents 1 and 2 in the original petition. The petitioners who are members of the society had defaulted a sum of Rs.20000/- to the Khadi Board on 13.2.1979. There will be no need to make any further details of the case as it is only after 18 years, i.e. in 2001, that the Khadi Board proceeded to recover the amount of loan from the petitioners by way of arrears of land revenue. The revenue recovery proceedings were challenged and the learned Single Judge while relying upon a judgment of the Honourable Supreme Court in **State of Kerala** v. **V.R.Kalliyani Kutty** (1999 (2) KLT 146) (SC) held that it was hopelessly barred by time.

2. The learned counsel for the appellants would, however, contend that demands were made from the petitioners earlier in point of time, but no proof of the same is forthcoming. The

matter is squarely covered by the judgment of the Supreme Court against the appellants. There is no scope whatsoever to interfere with the order passed by the learned Single Judge. The writ appeal is devoid of any merit and the same is hereby dismissed, leaving, however the parties to bear their own costs.

V.K. BALI,
CHIEF JUSTICE.

S.SIRI JAGAN,
JUDGE.

vns